

FILED

SEP 27 2006

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

NEBRASKA DEPARTMENT
OF INSURANCE

STATE OF NEBRASKA)
DEPARTMENT OF INSURANCE,)
PETITIONER,)

CONSENT ORDER

VS.)

CAUSE NO. A-1680

AMERICAN TITLE & ESCROW)
COMPANY, INC. and)
NANCY J. McDANIEL,)

RESPONDENTS.)

Sep 28, 2006 ACCT# 8521 \$1,000.00
NO-INVOICE 324886 TRAN# 1650572
AMERICAN TITLE & ESCROW COMPANY, INC.
CHECK# 1686

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Janette L. Adair and American Title & Escrow Company, Inc. and Nancy J. McDaniel ("Respondents"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§44-101.01, 44-4047 et seq. and 44-19,106 et seq. (Reissue 2004).

2. Respondents were licensed as an insurance agent and agency under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. American Title & Escrow Company, Inc. and Nancy J. McDaniel, Cause Number A-1680 on August 25, 2006. A copy of the petition was served upon the Respondents at the Respondents' address registered with the Department by certified mail, return receipt requested.

2. Respondents violated Neb. Rev. Stat. §§ 44-19,111 and 44-361 (Reissue 2004)
as a result of the following conduct:

a. Respondents circulated an advertisement providing:

AMERICAN TITLE & ESCROW
PROMO
MONTH OF JUNE
A SUN & BUG LOTION – 1ST TITLE ORDER
BUG CATCHER – 2ND TITLE ORDER
LIP PROTECTOR – 3RD TITLE ORDER
WE ARE BETTING ON ALL OF YOU
TO “BUG” US AND BE BIT
WINNERS THIS MONTH!!!

This advertisement was used to induce consumers to purchase title insurance from Respondents, and provided consideration in return for title insurance orders.

b. Respondent provided gift cards for free lunches to realtors, lenders, and other potential customers to solicit or induce referrals of title insurance business and/or title insurance orders.

3. Respondents were informed of their right to a public hearing. Respondents waive that right, and enter into this Consent Order freely and voluntarily. Respondents understand and acknowledge that by waiving their right to a public hearing, Respondents also waive their right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondents admit the allegations stated in Paragraph 2.

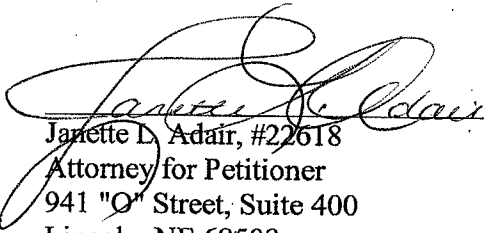
CONCLUSIONS OF LAW

Respondents' conduct as alleged above constitutes a violation of Neb. Rev. Stat. §§ 44-19,111 and 44-361 (Reissue 2004).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondents, American Title & Escrow Company, Inc. and Nancy J. McDaniel, that Respondents shall pay an administrative fine in the amount of one thousand dollars (\$1000.00) due within 30

days after the Director of Insurance or his designee approves and signs this consent order. If Respondent fails to pay the amount required under this consent order, within the time specified, Respondents' Nebraska insurance producer licenses and agency license shall all automatically be revoked. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.


Jarrette L. Adair, #22618
Attorney for Petitioner
941 "O" Street, Suite 400
Lincoln, NE 68508
(402) 471-2201

9-27-06
Date

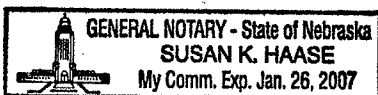
American Title & Escrow Company, Inc.,
Respondent

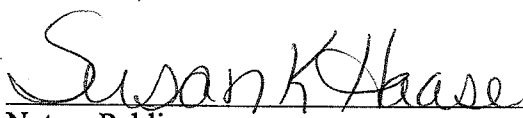
By: 

9/25/06
Date

State of NEBRASKA)
County of MADISON) ss.

On this 25th day of Sept, 2006, NANCY J. McDANIEL personally appeared before me on behalf of American Title & Escrow Company, Inc. and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.




Notary Public

RECEIVED
AMERICAN TITLE & ESCROW COMPANY
SEP 27 2006

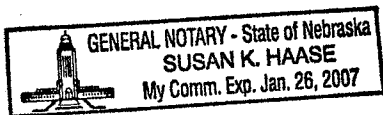
Nancy J. McDaniel
Nancy J. McDaniel, Respondent

9/25/06
Date

State of NEBRASKA)
County of MADISON) ss.

On this 5th day of Sept, 2006, Nancy J. McDaniel personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be her voluntary act and deed.

Susan K Haase
Notary Public



CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance v. American Title & Escrow Company, Inc. and Nancy J. McDaniel, Cause No. A-1680.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner
L. TIM WAGNER
Director of Insurance

9/27/06
Date

RECEIVED
STATE OF NEBRASKA
DEPARTMENT OF INSURANCE
SEP 27 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent American Title & Escrow Company, Inc. by certified mail, return receipt requested, at 1310 West Norfolk Avenue, Suite B, Norfolk, NE 68701, and to Respondent McDaniel by certified mail, return receipt requested, at 1103 Eldorado Road, Norfolk, NE 68701, by certified mail, return receipt requested, on this 29th day of September 2006.

Karya A. Fisher

RECEIVED

CLERK OF DISTRICT COURT
NORFOLK COUNTY, NE
SEP 29 2006